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West Virginia Board of Medicine Quarterly Newsletter

Board Member Profile

Lee Elliott Smith, M.D.

Lee Elliott Smith, M.D., was first appointed to the West Virginia Board of Medicine by Governor Gaston Caperton in 1995. Governor Wise appointed Dr. Smith to the Board again in 2001.

Dr. Smith lives in Bluefield, West Virginia, and practices facial plastic and reconstructive surgery in Princeton. He received his B.A. Magna Cum Laude from Boston University and then in 1978 his M.D. degree from Boston University Medical School. Following his internship in general surgery at University Hospital in Boston, he completed a residency in Otolaryngology-Head and Neck Surgery, at the Stanford University Medical Center in Stanford, and a Fellowship in Facial Plastic and Reconstructive Surgery at the Stanford University Medical Center. He moved to West Virginia in 1983. From 1987 through 1992 he was Clinical Assistant Professor, Department of Otolaryngology-Head and Neck Surgery, at the West Virginia University School of Medicine, Morgantown.

Licensed to practice medicine in West Virginia, Virginia, and California, Dr. Smith is a Fellow of the American College of Surgeons and of several otolaryngology academies, and is Board Certified by the American Board of Otolaryngology and the American Board of Facial Plastic and Reconstructive Surgery.

Dr. Smith has written numerous articles and has been a guest lecturer throughout the United States, Canada, Norway and Italy. Since his appointment to the Board, he has been an active participant with the Federation of State Medical Boards of the United States, located in Texas. He served as Chairman of its Special Committee to Review "Elements of a Modern Medical Board-A Proposal" and to develop a Medical Board Assessment Guide. Currently, Dr. Smith serves as Vice-Chairman of the Federation and is the Federation's representative to the ACGME. He also serves on the National Board of Medical Examiners' Post Licensure Assessment System Assessment Center Program Committee.

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??? DID YOU KNOW ???

By now, almost everyone is aware that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) has enhanced the right of consumers to keep their personal health information confidential through a variety of mechanisms. It may not be as well known that under HIPAA the West Virginia Board of Medicine is a "health oversight agency" and is thus exempt from HIPAA requirements for patient consent and authorization in obtaining medical records for purposes of carrying out its statutory duties.

BOARD'S WEB PAGE

The following additions have been made to the Board's web page at www.wvdhhr.org/wvbom:

- disciplinary actions for the years 1990 to present
- licensure activity for the years 1990 to 2002
- licensure requirements for medical doctors, podiatrists, and physician assistants

West Virginia Board of Medicine Board Members

Angelo N. Georges, M.D., President
Wheeling

Carmen R. Rexrode, M.D., Vice President
Moorefield

Catherine Slep, M.D., M.P.H., Secretary
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Fairmont

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Beckley

Ms. Doris M. Griffin
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J. David Lynch, Jr., M.D.
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Vettivelu Maheswaran, M.D.
Charles Town

Leonard Simmons, D.P.M.
Fairmont

Lee Elliott Smith, M.D.
Princeton

John A. Wade, Jr., M.D.
Point Pleasant

Kenneth Dean Wright, P.A.-C.
Huntington

REMINDERS

If you are being deployed, let us know. If you know your change of address, let us know that as well.

If you are discharging a patient from your practice, the Board recommends giving at least thirty (30) days notice to the patient, in writing, with an explanation that if an emergency arises within the thirty (30) day period where first aid treatment is essential, you will respond to the best of your ability to care for the patient at that time. This is based on the opinion of the AMA on Neglect of Patients in its Council on Ethical and Judicial Affairs Code of Medical Ethics. The book may be obtained by calling the AMA toll free at 800-621-8335.

The AMA's Council on Ethical and Judicial Affairs Code of Medical Ethics also contains a number of helpful opinions on physician records, including one on Records of Physicians Upon Retirement or Departure from a Group and on the Sale of a Medical Practice. The Board recommends that patients be notified about what is happening to their records in each of the above situations, and given an opportunity to have the records forwarded to the physician of their choice. We recommend especially that you obtain your own copy of the Code of Medical Ethics so that you are able to review these opinions, and many others on a wide variety of topics, for yourself.

Ext #	Staff of the West Virginia Board of Medicine (304) 558-2921	
227	Ronald D. Walton, M.A.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Paralegal and Investigator
210	Charlotte A. Jewell	Receptionist/Physician Assistant Coordinator
221	Crystal Lowe	Licensure Analyst
224	Sheree Melin	Verification Coordinator
211	Janie Pote	Administrative Assistant to Legal Department
220	Deb Scott	Fiscal Officer
213	Teri Wolfe	Complaints Coordinator



BOARD ACTIONS
October 2003 - December 2003



ARCURE, JAMES M., P.A.-C. – Farmington, WV (12/5/03) WV License No. 01036

Board Conclusion: Misrepresentation or concealment of any material fact in obtaining a license.

Board Action: Granted licensure effective December 10, 2003, with a PUBLIC REPRIMAND for providing a false answer in his personal interview with a Board member.

COLE, WILLIAM A., JR., M.D. – Dayton, OH (11/14/03) WV License No. 20318

Board Conclusion: Renewing a license to practice medicine and surgery by making a false statement in connection with a licensure application.

Board Action: License SUSPENDED effective at 12:01 a.m. on October 3, 2003, which SUSPENSION is STAYED IMMEDIATELY, pending Dr. Cole's compliance with all terms and conditions set forth in the Order.

EVANS, PATRICIA R., M.D. – Kingman, AZ (12/31/03) WV License No. 11728

Board Conclusion: Relating to having disciplinary action taken against her medical license in another jurisdiction.

Board Action: Shall not practice clinical medicine or any medicine involving direct patient care; prohibited from prescribing any form of treatment including prescription medications, until she applies to the Board and receives permission to do so; shall complete an Arizona Medical Board staff-approved inpatient or residential treatment program; PUBLICLY REPRIMANDED for having disciplinary action taken against her medical license in the State of Arizona.

HAHN, JERRY MITCHEL, M.D. – Romney, WV (12/31/03) WV License No. 15226

Board Conclusion: Relating to the failure to keep written records justifying the course of treatment, unprofessional and unethical conduct, which has the effect of bringing the medical profession into disrepute.

Board Action: PUBLICLY REPRIMANDED for his failure to properly maintain and retain medical records.

ORTENZIO, JR., LOUIS F., M.D. – Clarksburg, WV (12/31/03) WV License No. 12327

Board Conclusion: Violating an Order of the Board.

Board Action: Shall document in writing to the Board no later than January 30, 2004, his successful completion of a Board-approved course in medical ethics; shall pay a \$1,000 fine to the Board for his failure to comply with all provisions of the April, 2003, Consent Order in a timely manner.

SANTIAGO, LORETO SANTOS, M.D. – St. Albans, WV (12/31/03) WV License No. 11964

Board Conclusion: Relating to unprofessional, unethical conduct, and prescribing controlled substances for personal use.

Board Action: License placed in an INACTIVE status effective December 31, 2003.

SHOR, STEVEN JOHN, M.D. – Amherst, OH (10/27/03) WV License No. 21292

Board Conclusion: Relating to having a license to practice medicine acted upon by another State.

Board Action: By CONSENT ORDER entered in August, 2003, Dr. Shor was issued a West Virginia medical license. Subsequently, Dr. Shor notified the Board that he was unable to meet the requirements of the August, 2003, CONSENT ORDER because he will not be practicing medicine in West Virginia as he had expected. Effective October 27, 2003, Dr. Shor's West Virginia medical license was placed in an INACTIVE status and the requirements of the CONSENT ORDER shall be tolled.

SIMKOVICH, VALERIE, M.D. – Bethesda, MD (11/14/03) WV License No. 19261

Board Conclusion: Failure to comply with the probationary conditions of the December, 2001, CONSENT ORDER she entered into with the Board.

Board Action: The STAY of revocation has dissolved and terminated, and effective November 18, 2003, the license to practice medicine and surgery of Dr. Simkovich stands REVOKED.

WALTER, STEVEN WAYNE, M.D. – Lewisburg, WV (12/31/03) WV License No. 16305

Board Conclusion: The inability to practice medicine and surgery with reasonable skill and safety due to abuse of alcohol.

Board Action: License placed in an INACTIVE status effective December 31, 2003, until Dr. Walter has obtained a passing score on the "SPEX" examination, appeared before the Licensure Committee of the Board for a full discussion, and been authorized by the Board to engage in the practice of medicine, subject to any further conditions or limitations attached thereto.

DISMISSALS**JOHNSON, SHARON, M.D.** – Tulare, CA (11/14/03)

WV License No. 19466

Board Action: Complaint and Notice of Hearing against Dr. Johnson filed April 25, 2003, was **DISMISSED**, with prejudice.**WAHI, RAKESH, M.D.** – Charleston, WV (11/10/03)

WV License No. 17173

Board Action: Proceedings filed against Dr. Wahi are terminated, concluded, and **DISMISSED**, with prejudice.**REMINDER****TOLL FREE NUMBER FOR CONSUMER COMPLAINTS**

The Board has a toll free number for callers within West Virginia who have consumer complaints against an M.D., D.P.M., or P.A.-C. The toll free number is (877)867-6411. For all matters other than complaints, the Board's main number, (304)558-2921, must be used.

CHANGE OF ADDRESS FORM

WV License No: _____

Date of Change: _____

Name of Licensee: _____

PLEASE CHECK ONLY ONE PREFERRED MAILING ADDRESS:

(The preferred mailing address is the licensee's address of record, which is public information.)

(Note that telephone numbers are not considered public information.)

() Principal Office or Work Location *ONLY CHECK ONE* () Home Address

Telephone: _____

Telephone: _____

Signature: _____

Date: _____

Original Signature of Licensee is Required

*Mail completed form(s) to:***West Virginia Board of Medicine**

101 Dee Drive, Suite 103 • Charleston, WV 25311

Fax copies not accepted.*By law, you must keep this office apprised of any and all address changes.*

**WEST VIRGINIA BOARD OF MEDICINE
2004 BOARD MEETING SCHEDULE**

**January 12
March 8
May 10
July 12
September 13
November 8**

WV Board of Medicine



101 Dee Drive, Suite 103
Charleston, WV 25311

Phone: 304-558-2921
Fax: 304-558-2084

**www.wvdhhr.org/wvbom
Our website is under construction.
Watch for updates and changes.**

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